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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/240,205 | 08/29/97 | POSSIDENTO | W |

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EXAMINER
MANDARAN, V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1764 | 5 |

DATE MAILED: 08/07/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/940,203

Applicant(s)
WILLIAM POSSIDENTO

Examiner
VIRGINIA MANOHARAN

Group Art Unit
1764



☒ Responsive to communication(s) filed on Sep 29, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The abstract of the disclosure is objected to because of the inclusion of legal phraseology often used in patent claims. For examples: "comprise" recited at line 9; and "means for" recited at lines 11 and 12. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

(A) In the description of drawings: Figures 1-4 as described appear to be incomplete. Reciting e.g., - Fig. 1 shows an overall view of distillation tube - is better.

(B) Note typographical error: "vac^uuum" recited in claim 1, third line from the bottom.

Applicant should further check for any typographical error in the instant application.

(C) Grammatical Error, For example: "... Figure 2 and 3 shows ..." recited at page 5, line 16 should be - Figures 2 and 3 show. -

Appropriate correction is required.

The drawings are objected to under 37 CAR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "... vac^uuum (sic) forming means" recited e.g., in claim 1, (if shown in the drawings should be incorporated into the specification with a reference numeral) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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(a) It is unclear whether the liquids do in fact flow in the outer tube to be ^{operable} with the recitation of "~~adapted for~~ adapted for .." Deleting this term in the claims obviate this rejection. See claims 1 and 6.

(b) There are no proper antecedent basis for supports in the claims for the following recitations: (1) "The inner wall of said tube .." claim 1; (2) ".. The absorption of said solar radiation.." claims 3 & 8; and (3) "said radiation .." claim 4 & 9.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hay's publication or Fisher in view of Kruse or Snyder.

The Hay's (publication) discloses a distillation device comprising an enclosed still with central axis for holding liquids, said still having an upper section, said upper section having a cover of "V" shape, and "V" shape having an apex portion of the "V" and an open portion of the "V", said apex portion (e.g., Figure 2) pointed in the direction of said central axis of said still, a trough portion running parallel to said central axis, said trough portion of curved surface so as to collect liquids that condense on said upper section and fall into said trough portion (page 2).

Fisher discloses basically similar features of the apparatus as above. See e.g. Fig. 1.

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The device of Hay^{or Fisher} differs from the claimed invention in that claim 1, for example, recites an "outer tube having a cross section of ovoid construction". However said difference is deemed not to constitute a patentable distinction inasmuch as the claimed ovoid construction is deemed to be a matter of engineering design choice. Nonetheless, Kruse shows a solar still of ovoid construction. In like manner, Snyder teaches a still of various shapes. To use the evaporation tube of Kruse, ~~or~~ Snyder as the still in the basin in Hay's^{or Fischer's} structure would have been obvious to one of ordinary skill in the art as such is conventionally done in the art and inasmuch as Hay suggests that the still basins can be of any shape noting page 2, ("Flexibility of the V Design") and therefore the shape of the still is not limited^{to ovoid construction}. Note also the suggestion given in col. 3, lines 10-23 in the Snyder's reference. Claims 5 and 10 are rendered obvious by the Fisher's reference at col. 3, line 11.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- (A) Tsay et al discloses a solar powered distilling device
- (B) Gerber discloses a means for desalting water.
- (C) Maine discloses a solar heat collector.
- (D) Coanda et al discloses an apparatus for undrinkable water including a tubular element disposed along the focal axis of a trough - like mirror of parabolic sections.
- (E) Delano and Laing et al both disclose a solar still.
- (F) Neumann discloses a cover pane for solar collectors.

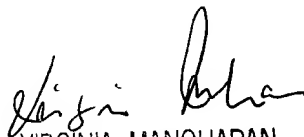
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- (G) France '281 discloses an apparatus for the recovery of clean water using solar energy for evaporation.
- (H) Su '351 shows a trough distillate collector along the base perimeter.
- (I) Australian '679 discloses a solar still.
- (J) The German '495 discloses a plant with trough having a glass cover of V-shape.
- (K) The German 427 and Hay both disclose a procedure and device for desalinating sea water.
- (L) JP '833 uses two --- lenses arranged to focus sunshine onto the water.

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1764.

Any inquiry concerning this communication should be directed to V. Manoharan at telephone number (703) 308-3844.

V. Manoharan/om
August 5, 1998


VIRGINIA MANOHARAN
PRIMARY EXAMINER
ART UNIT 138/1764
8/6/98